

PLANNING COMMISSION

MINUTES

March 11, 2015

The Planning Commission met in regular session on Wednesday, March 11, 2015, at 8:00 p.m. in the Council Chambers of the Vienna Town Hall, 127 Center Street South, Vienna, Virginia, with Jim Hendricks, Chairman, presiding. The following members were present: David Miller, Tara Voigt, Stephen Kenney, Charles "Chuck" Anderson, Walter I. Basnight, David Lanphear, and Douglas Noble. Also in attendance and representing Town Staff: Matthew J. Flis, AICP, Acting Director of Planning & Zoning and Jennifer M. Murphy, Board Clerk. Michael Gelb is absent.

Roll Call:

Ms. Murphy called roll. Michael Gelb is absent.

COMMUNICATIONS FROM CITIZENS AND/OR COMMISSIONERS:

Chairman Hendricks asked for communication from citizens or commissioners. Hearing none he opened the regular meeting.

Regular Meeting:

ITEM NO. 1:

Recommendation to the Board of Zoning Appeals on a **conditional use permit for outdoor seating** for Chase the Submarine, located at 132 Church Street NW, in the C-1B, Pedestrian Commercial zone. Application filed by Tom Kylo of Kylo + Pattana Architecture/Interiors, agent for Michael Amouri and Tim Ma, owners. *(To be scheduled for the Board of Zoning Appeals meeting of March 18, 2015).*

Chairman Hendricks invited comment from staff. Mr. Flis explained that the application is a request for a conditional use permit for outdoor seating. The applicant is proposing six (6) seats to be located in front of the new tenant space at 132 Church Street NW. They have a by-right allowance of thirty (30) seats total. The applicant would like to use six (6) of their allowable seats for outside seating. The area is currently landscaped. The applicant intends to install pavers and additional landscaping connecting up to the public sidewalk. Those improvements will be subject Board of Architectural Review approval; prior to that they must obtain conditional use permit approval. He noted that the Planning Commission's recommendation will be sent to the Board of Zoning Appeals in their consideration for approval. Chairman Hendricks thanked Mr. Flis for the information and invited the applicants forward to present.

Tom Kylo of Kylo + Pattana Architecture/Interiors and Michael Amouri owner stepped forward to speak. Mr. Kylo stated that he is also a resident of the Town, residing at 114 Elmar Drive SE. He stated that they are requesting approval for outdoor seating for the applicant's new restaurant - Chase the Submarine. In hopes of creating more of a street presence they have designed a 258 to 300 square foot landscaped patio area to be located out front of the building. They will work with the Board of Architectural Review on the materials. Currently, they are considering a flagstone material that will cut through the surrounding planter forming an entrance. A railing will run along one side of the entrance.

Chairman Hendricks asked if the applicants could discuss distances in proximity to the street and sidewalk. He asked what would keep a small child from wandering towards Church Street. Mr. Kylo answered that the planter area will include a crepe myrtle tree and light pole. They would have to work with the Town to consider ways to beef up planting or to consider possible railing installations that would completely enclose the area. Chairman Hendricks asked for the railing location. Mr. Kylo answered that it would be located to the left from the front door entrance of the establishment. There is a drop in grade of 18-20 inches on that side. Chairman Hendricks asked if

the plan is to place one table outside. Mr. Kylo answered that they are limited by the number of seats, which may fluctuate seasonally.

Commissioner Anderson asked for parking requirements for the site. Mr. Flis answered that staff uses a ratio for calculating the allowable number of seats. A typical commercial space has a 1:200 parking requirement, whereas parking requirements for seating are one parking space for four seats. Converted, this is a ratio of 0.02 seats per square foot, which is a total allotment of thirty (30) seats. The system allows staff to convert and equalizing the ratio between commercial square footages. He stated that it is a system that was used by his predecessor for many years.

Commissioner Miller noted that proposed hours of use run from 12 noon - 10 pm. The Planning Commission typically asks applicants if they would be willing to include hours of operation on their conditional use permit. Mr. Flis stated that would have to be a part of the Commission's recommendation. Mr. Amouri agreed that would be acceptable.

Commissioner Basnight asked Mr. Flis if the railing is something that the Board of Architectural Review would recommend and what is the process beyond that. Mr. Flis answered that the railing would be a recommendation from the Board of Zoning Appeals if they so choose. The Board of Architectural Review will review the application from an aesthetic perspective and would consider such things as whether the railing is designed in a way that is compatible with the existing architecture.

Commissioner Basnight asked what determines whether a railing should be installed for safety purposes. Mr. Kylo stated that there is currently nothing along Church Street that blocks off the front of a business. Their application is the first restaurant that would offer seating near the planter. Mr. Flis stated that the applicant has already suggested that a railing is necessary. If the Commission considers it to be an issue then they can make a recommendation. The Board of Zoning Appeals looks at those issues as well. In this instance the grade change is at 24 inches. Mr. Kylo stated that it would be a code issue that they would have to meet.

Mr. Flis stated that upon review of the cross section between the street, sidewalk, and seating area that it is a pretty wide space. The table that has been referenced sits 20 feet back from the curb. There are also parallel parking spaces out front. The Town's planter that is there is a raised planter bed. He stated that there is not much opportunity for someone to walk straight through so that it creates its own slight barrier.

Commissioner Anderson stated that if there are thirty seats, which is one parking space for every four seats. That allocates 7.5 for this property. He asked how many parking spaces are owned property in its entirety. He counted approximately 17-18 spaces. Mr. Flis agreed. Commissioner Anderson stated that would leave approximately 11 spaces for the remaining tenants. He is concerned that it already exacerbates parking issues being experienced on Church Street. He noted that restaurants have tendency to attract more cars than other types of businesses. The Commission took a very serious look at parking issues on Church Street five years ago. They got very close to coming up with a decent solution, which he was saddened to say, fell through. The issue still remains. It has not been brought about by the subject application. They are completely within their rights. With respect to the community it is an issue. Mr. Flis concurred with Commissioner Anderson's statements.

Commissioner Kenney agreed that the railing to the left is a code issue meant to limit people from tripping and falling when walking along changing grade. As it is between 18-20 inches it does not meet Fairfax County's threshold, which is 30 inches. He noted that they should be careful when considering the requirement of additional railings because it is not a code issue at all. He asked for spot grade numbers from the front area leading to the sidewalk and whether someone has checked the math to determine positive drainage from the building. Mr. Kylo responded that the existing sidewalk sits a bit higher than the finished floor slab, which is around 4 inches. To transition they will have to have an incline directing positive drainage away from the front door.

Commissioner Kenney asked how they intend to handle runoff. Mr. Kylo answered that they will try to direct flow towards the rail. Commissioner Kenney noted that was an adjacent property and asked if that can be done. Mr. Flis

answered that no formal plans have been submitted. It has only been reviewed for the use permit. In their discussions with the Department of Public Works they will have to look at alternatives including directing drainage into other areas. Commissioner Kenney asked if it would be possible to put in small storm water management systems. Additional discussion followed.

There being no further discussion a motion was in order.

Commissioner Miller made a motion that a recommendation be made to the Board of Zoning Appeals on a conditional use permit for outdoor seating for Chase the Submarine, located at 132 Church Street NW, in the C-1B, Pedestrian Commercial zone.

Commissioner Kenney asked that a friendly amendment be made to include that the applicant work with the Department of Public Works on surface drainage runoff towards the planter area. Commissioner Miller accepted the friendly amendment.

There being no further discussion Chairman Hendricks called the question.

Motion as Amended: Miller
Second: Lanphear
Passed as Amended: 8-0

Chairman Hendricks asked staff if the drawings submitted for conditional use permit are required for application submittal. Mr. Flis answered yes, stating that the applicant is not held to that exact table layout but within a reasonable amount of space. Chairman Hendricks thanked Mr. Flis.

Minutes:

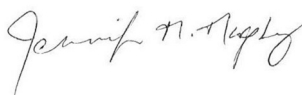
Commissioner Basnight made a motion that the February 25, 2015, meeting minutes be approved as drafted.

Motion: Basnight
Second: Voigt
Passed: 7-0-1

Abstain: Miller

It was moved to adjourn the regular meeting at 8:21 pm.

Respectfully Submitted,



Jennifer M. Murphy
Commission Clerk